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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,491	03/13/2000	Francis J Maguire JR.	313-011-1	6120

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EXAMINER

SHAPIRO, LEONID

ART UNIT	PAPER NUMBER
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2677

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/524,491	Applicant(s) MAGUIRE, FRANCIS J	
	Examiner Leonid Shapiro	Art Unit 2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 6, 10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Breed et al. (US Patent No. 6,242,701 B1) in view of Iwamoto (US Patent No. 5,571,259).

As to claim 1, Breed et al. teaches apparatus, comprising: a support for supporting a user in a seated, or reclining position (See Fig. 8, items 100, 110, Col. 21, Lines 51-61); and a movable headrest on or with respect to support, for moving with rotational movements and supporting a head of user in executing rotational movements (See Fig. 8, items 110-111, 161-171, Col. 22, Lines 4-17).

Breed et al. does not show a head of user in executing head movements while viewing images from changing directions.

Iwamoto teaches a head of user in executing head movements to view images from changing directions in seated or standing positions (See Fig. 6, items 1, 28-29, Col. 4, Lines 53-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Breed et al. system in view of teaching of Iwamoto to allow to view the image in any desired location (See Col. 5, Lines 18-20 in Iwamoto reference).

As to claims 2, 6 Iwamoto teaches a display and sensor for providing images for viewing from changing direction (See Fig. 6, items 1, 28-29, Col. 4, Lines 53-67).

As to claim 10, Breed et al. teaches apparatus, comprising: a headrest and a support for supporting a user in a reclining posture with a head of user resting on headrest mounted on or with respect to support (See Fig. 8, items 110-111, 161-171, Col. 22, Lines 4-17); headrest with movable headrest for supporting head of the user in executing head movements in a changing of head of user (See Fig. 8, items 110-111, 161-171, Col. 22, Lines 4-17), head and headrest moving together in changing direction with respect to support (See Fig. 8, items 110-111, 161-171, Col. 22, Lines 4-17).

Breed et al. does not show a viewing images provided from a correspondingly changing direction of view.

Iwamoto teaches a viewing images provided from a correspondingly changing direction of view (See Fig. 6, items 1, 28-29, Col. 4, Lines 53-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Breed et al. system in view of teaching of Iwamoto to allow to view the image in any desired location (See Col. 5, Lines 18-20 in Iwamoto reference).

3. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Reichlen (US Patent No. 6,396,497 B1) in view of Stoeckl (US Patent No. 5,203,609).

Reichlen teaches apparatus with reality engine (computer) with sensor attached to the user's head, responsive to sensed signal, for providing an image signal indicative of a sequence of images from different directions-of-view selected according to sensed

signal (See Fig. 1-5, item 24, 34, 36, 42, 56, 62, 50, in description See Col. 5, Lines 33-67 and Col. 6 and 7) and a display, responsive to image signal, for providing sequence of images for viewing by user from different directions-of-view (See fig. 2, items 34, 40, Col. 5, Lines 46-55).

Reichlen does not disclose a sensor coupled to a moveable headrest for supporting a user's head, for providing a sensed signal.

Stoeckl teaches a sensor coupled to a moveable headrest for supporting a user's head, for providing a sensed signal (See Figs. 1-2, items 5, G1-G4, Col. 7, Lines 7-23).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide headrest with sensor in Reichen apparatus in view of teaching of Stoecki to coordinate views with different directions.

4. Claims 3-5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breed et al., Iwamoto as aforementioned in claims 1,2 in view of Zwolinski et al. (US Patent No. 6,055,473).

As to claim 3-5, 7, Breed et al. and Iwamoto do not teach an actuator and sensor for moving moveable headrest.

Zwolinski et al. teaches an actuator and sensor for moving moveable headrest (See Fig. 1, items 54, 56, Col. 5, Lines 33-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the actuator in Watkins and Breed et al. apparatus in view of teaching of Zwolinski et al. in order to widen the range of applications.

5. Claims 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Reichen and Breed et al. in view of Zwolinski et al.

Reichlen teaches apparatus with a reality engine (computer), responsive to a start command signal, for providing an image signal indicative of a sequence of images from different directions-of-view and providing a display, responsive to image signal and display, for providing sequence of images for viewing by the user from different directions-of-view (See Fig. 1-5, item 24, 34, 36, 42, 56, 62, 50, in description See Col. 5, Lines 33-67 and Col. 6 and 7).

Reichlen has failed to teach headrest, however Breed et al. teaches a moveable headrest, attached to support (See Fig. 8, items 110-111, 160-170, from Col. 21, Line 51 to Col. 22, Line 3).

Reichlen and Breed et al. do not teach an actuator, responsive to actuator command signal, for moving a headrest supporting a user's head with movements corresponding to different directions-of-view.

Zwolinski et al. teaches an actuator for moving moveable headrest (See Fig. 1, items 54, 56, Col. 5, Lines 33-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the headrest of Breed et al. and actuator of

Zwolinski et al. in Reichen apparatus in order to adjust the seat to assure the proper interaction with other systems (See Col. 1, lines 44-49 in Zwolinski et al. reference).

6. Claims 11, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breed et al. and Iwamoto as applied to claim 10 above, and further in view of Zwolinski et al.

As to claim 11, Iwamoto and Breed et al. do not teach an actuator connected to movable headrest for moving movable headrest with respect to support for changing direction of head of user in executing head movements with respect to support.

Zwolinski et al. teaches an actuator for moving moveable headrest (See Fig. 1, items 54, 56, Col. 5, Lines 33-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into Iwamoto and Breed et al. system in view of teaching of Zwolinski in order to adjust the seat to assure the proper interaction with other systems (See Col. 1, lines 44-49 in Zwolinski et al. reference).

As to claim 14, Breed et al. teaches support is itself positionable (See Fig. 8, items 110, 180, 182, Col. 23, Lines 9-27).

As to claim 15, Breed et al. teaches support is continuously positionable (See Fig. 8, items 110, 180, 182, Col. 23, Lines 9-27).

7. Claim 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamoto, Breed et al., Zwolinski et al. and Iwamoto as applied to claim 11 in view of Reichen.

As to claim 12, Zwolinski et al. teaches an actuator responsive to a command signal for moving movable headrest (See Fig. 1, items 54, 56, Col. 5, Lines 33-47).

Watkins, Zwolinski et al. and Iwamoto do not teach reality engine.

Reichlen teaches apparatus with a reality engine (computer), responsive to a start command signal, for providing an image signal indicative of a sequence of images from different directions-of-view and providing a display, responsive to image signal and display, for providing sequence of images for viewing by the user from different directions-of-view (See Fig. 1-5, item 24, 34, 36, 42, 56, 62, 50, in description See Col. 5, Lines 33-67 and Col. 6 and 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide reality engine in Iwamoto, Breed et al., Zwolinski et al. system in view of teaching of Reichlen in order to perform certain computer functions (See Col. 2, lines 49-52 in Reichlen reference).

As to claim 13, Iwamoto teaches a sensor for sensing movements of movable headrest (in the reference sensor attached indirectly to the user head) for providing a sensed signal (See Fig. 6, item 29, Col. 4, Lines 53-68).

8. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breed et al, and Iwamoto as applied to claims 1,10 above, and further in view of Helman (US Patent No. 5,791,735).

Breed et al, and Iwamoto do not disclose left and right rotational movements, left and right directions.

Helman teaches left and right rotational movements, left and right directions of headrest (See Col. 3, Lines 15-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide left, right rotation in Iwamoto, Breed et al., system in view of teaching of Helman in order to increase the range of applications.

9. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stoeckl and Reichlen as applied to claim 8 above, and further in view of Helman.

Stoeckl and Reichlen do not disclose left and right directions-of-view.

Helman teaches left and right directions-of-view (See Col. 3, Lines 15-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide left, right directions-of-view in Stoeckl and Reichlen system in view of teaching of Helman in order to increase the range of applications.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reichen and Breed et al., Zwolinski et al. as applied to claim 9 above, and further in view of Helman.

Reichen and Breed et al., Zwolinski et al. do not disclose left and right rotational movements, left and right directions.

Helman teaches left and right rotational movements, left and right directions of headrest (See Col. 3, Lines 15-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide left, right rotation in Reichen and Breed et al., Zwolinski et al. system in view of teaching of Helman in order to increase the range of applications.

Response to Arguments

11. Applicant's arguments filed 12.06.04 in relation to claim 8 have been fully considered but they are not persuasive.

On page 15, first paragraph of Remarks, Applicant's stated that Stoeckl is not analogous prior art. However, In response to applicant's argument that Stoeckl is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Stoeckl is reasonably pertinent to the particular problem with which the applicant was concerned.

On page 16, 3rd and 4th paragraphs of Remarks, Applicant's stated that Reichlen does not represent any kind of relaxed experience preferred by most users. However, there is nothing about relaxed experience in claim 8.

On page 16 and 17 of Remarks, Applicant's stated that motivation for combining references need to be find in the prior art. However, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Response to Amendment

12. Applicant's arguments, filed on 12.06.04, with respect to the rejection(s) of claim(s) 1-7, 9-13 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Breed et al.

Telephone inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

Art Unit: 2673

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ls 05.15.05

A handwritten signature in black ink, appearing to read 'Vijay Shankar', with a stylized, cursive script.

**VIJAY SHANKAR
PRIMARY EXAMINER**